

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **July 21, 2015 6:00 p.m.**

3 **15 South Main, Providence UT**

4
5 Call to Order: Mayor Calderwood

6 Roll Call of City Council Members: Mayor Calderwood

7 Attendance: Bill Bagley, Jeff Baldwin, Ralph Call, John Drew, John Russell

8 Pledge of Allegiance: Mayor Calderwood

9
10 **Approval of the minutes**

11 **Item No. 1.** The Providence City Council will consider approval of the minutes of July 14, 2015 City Council meeting.

12 **Motion to approve the minutes of July 14, 2015 with the following corrections: J Russell, second – B Bagley**

- 13
 - Page 4, line 23 – term of last contract with Comcast 15 years.

14 **Vote: Yea: B Bagley, R Call, J Drew, J Russell**

15 **Nay: None**

16 **Abstained: J Baldwin**

17 **Excused: None**

18
19 **Public Comments:** Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- 22
 - No public comments.

23
24
25 Council Reports were moved to the first item on the agenda.

26 **Council Reports:** Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

28
29 Mayor Calderwood:

- 30
 - Had a meeting last week with Hyrum, Nibley and Providence. There was a concern as to whether or not Nibley was still interested in the interlocal agreement with Hyrum. They made it clear they are still interested. Originally Nibley and Providence were asked to buy in to the facility at \$4M a piece. Now Hyrum is consenting to an appraisal of the facility with each of the three cities sharing in the appraisal costs. Mayor Calderwood was pleased with the meeting. Bottom line is what is this going to cost the homeowner and is it competitive with Logan.
 - B Bagley asked what caused Nibley to reconsider.
 - Mayor said some kind of a land dispute with Logan. The Mayor of Nibley felt Logan was very unreasonable on that subject. Mayor Dustin wants to make the south valley waste water treatment plan viable. One concern was going to the DWQ to ask for \$20,000,000 then not pursuing this plan. S Bankhead is contacting Zion's Bank to see who is going to do the appraisal.
 - J Drew said six years ago it cost \$6M to build the plant, but it is worth a fraction of that now.
 - Mayor Calderwood said this is a win for Hyrum but their Mayor had to convince their council it was worthwhile.
 - R Call asked if there had been any discussion with Millville as they will eventually have to get off their septic system. Mayor said Millville has been approached, but said they were not interested.
 - J Drew asked if Millville recharging their ground water had an effect on the well in Providence that had high levels of nitrates. R Eck said there is no proof that Millville's recharge had affected our well.
 - Mayor Calderwood said once an appraiser decides what the facility in Hyrum is worth, that number will be divided by thirds for each of the cities that will be part of the interlocal agreement (Nibley, Hyrum and Providence).
 - J Drew said accepting a third of the burden may not be equitable if one city's population grows faster than another. He felt it should not be done by pro-rating. The purchase of the facility is done by an interlocal agency, not the cities. The agency assumes the debt and charges each city based on the waste water it

1 treats. That's how the bonds are paid back.

- 2 • B Bagley - no report.
- 3 • J Drew - no report.
- 4 • R Call - no report.
- 5 • J Russell - no report.
- 6 • J Baldwin - no report.

7
8 **Public Hearing 6:15 pm:** Prior to making a decision on the Petition for Annexation, the City Council is holding a
9 public hearing. The property described in the annexation petition is located adjacent to the northeast boundary of
10 Providence City (approximately 500 north 400 east); and is comprised of Parcel No.s 02-004-0013, 02-004-0014,
11 02-005-0003, 02-004-0015, 02-004-0019; containing 32.22 acres. The purpose of the public hearing is to provide an
12 opportunity for anyone interested to comment on the proposal before action is taken. The City Council invites you
13 to attend the hearing in order to offer your comments.

- 14 • Mayor opened public hearing at 6:15 pm.
- 15 • Mimi Recker, 280 N. 300 East. Asked who owns the property. S Bankhead said Stan Checketts Properties
16 LC owns some of the property and Barbara Rinderknecht owns some of the property. M Recker asked
17 about the agricultural easement. S Bankhead said some of it did have ag protection, but it was not a
18 permanent easement. It was not a perpetual conservation area. M Recker asked what the zone will be if it
19 gets annexed. S Bankhead said the developers have requested SFT, which is what is shown on the Master
20 Plan for that area. M Recker is not in favor of the annexation, she feels it is too much for the city to take
21 on and isn't sure this should be Providence's problem. It will be an expensive impact on residents for
22 years to come. Estimates of 500 people living up there, big weight on infrastructure, there will be costs for
23 upgrading roads and residents will have to bear that cost. Sewage and water are big concerns. She does
24 not know what the cost benefit will be. Negative environmental impact includes storm water runoff,
25 landslides, flooding, decrease of open space, wildlife impact. No turning back if we take this step.
- 26 • Cory Bowers, lives in River Heights, but hopes to live in Providence. He is in favor of the annexation.
27 Wants to live in Providence for all the reasons current residents want to live here. He feels it is a fallacy to
28 think this should be somebody else's problem. At least if Providence annexes that property, they will have
29 a say in what happens there. River Heights went through the same issue a few years ago. They did not
30 want to support a development, the development went in, but the city is now getting no tax benefit for
31 the development. He thinks it will be a great community for everybody.
- 32 • B Bagley addressed comments from Mimi Recker. Only 32 acres will be annexed, with approximately 2.5
33 homes per acre.
- 34 • Cindy Miller had a concern about development going in above the annexation in the future.
- 35 • Mayor said only 32 acres will be developed. There are restrictions on how many homes can be built. There
36 will be approximately 30 homes because the only have one exit. Likely, future development will come
37 above the annexation.
- 38 • J Baldwin said the issue has been addressed in the Master Plan. Traffic flow will go north and drop onto
39 5th North. Its not all coming down to 400 East. The roads will distribute the traffic in a north/south flow.
- 40 • R Call said the annexation is separate from development. The request for annexation came from
41 developers so once it is annexed development will come in. When Cove development went in it looked
42 like it was going to exit traffic in his yard, he opposed the development in general. However, the property
43 has been developed and he likes what has happened. There are homes with good neighbors rather than
44 deer. Great improvement to what it was previously.
- 45 • Karen Bindrup asked why this is happening right now. Wondered if the city was caving to pressure from
46 developers.
- 47 • Mayor said it has gone through a methodical process. The developer has been very cooperative, they
48 have agreed to everything the city has asked for. Once annexed, they will have to follow the subdivision
49 ordinance.
- 50 • R Call said two ways an annexation can occur; one is by the city's request and the other is by property
51 owner's request. This was a request from the property owners.
- 52 • J Drew said water and sewer has already been addressed in previous council meetings. There is water and
53 sewer capacity to handle not only this development, but the remainder of property all the way up to the

1 deer fence.

- 2 • Danny Macfarlane, civil engineer on the project. He did an analysis at city's request specifically looking at
3 water, sewer and storm water drainage off the hillside. There is more than adequate capacity. As
4 development continues in that area, there are water and sewer lines that can take the development.
5 Storm water had adequate drainage pathways. Partial roadway cross sections were requested and have
6 been researched. . He is a resident of Providence and is a proponent of development. Open space is
7 important and should be part of a comprehensive plan.
- 8 • Ned Miller, lives in that area and will be affected by the development more so than anyone. Due diligence
9 that has been done in formulating the project is understood. More than half the lots are already reserved,
10 developers have allowed the lots to be reserved and money has been collected for those lots prior to the
11 annexation approval. Economics is driving the project for the developer, land owner and the City. It will
12 also have an impact on his life over the next few years with all the construction of homes and
13 infrastructure going in. He likes living in Providence. He is not in favor of the annexation, but feels he
14 cannot do anything to stop it. Will probably approach the city with a request for a 12' fence. He hopes the
15 city will hold the developers to the promises that have been made. Asked what lot size was for SFT. S
16 Bankhead said 12,000 sf. Asked if the council would consider SFL. He would love to see that zone to limit
17 future impact.
- 18 • Reed Bindrup said more than 20 years ago there was supposed to be a road coming out of Logan Canyon
19 above first dam, connecting to 500 North. The week before he moved in, Providence City said they would
20 not give him water until he deeded over one rod of property over 900' in length. That is now going to be
21 used for the roadway for the development. Providence did not compensate him for the right of way. He
22 feels like this property was stolen from him by the City.
- 23 • S Bankhead received phone call from Carol Gunnell, Barbara Rinderknecht's daughter. Carol said Barbara
24 signed the annexation agreement willingly. She is not interested in development or selling her property.
25 That will not be part of the development. The development will be Stan Checketts' Property.
- 26 • Cory Bowers said he tried to buy that property, but was denied that opportunity.
- 27 • Karen Bindrup asked how all the traffic is going to flow off that one road.
- 28 • R Call said it is not a city ordinance. The fire marshal is the one that has to sign off on that. Whatever they
29 say is what the cut off for homes will be. It is compatible with national and state code.
- 30 • D Macfarlane met with Craig Humphries, Logan Fire Chief, he said the International Fire Code allows
31 about 30 homes before a second access is required; but, if they are moving towards more homes, then
32 another exit will be required before those other homes can be built.
- 33 • Mike Small, 300 E. 370 N., asked where the traffic for trucks and equipment will go. Roads are going to be
34 warped, heavy loads will concave the roads, dirt and debris will be an issue. He would like to see another
35 route out of the City. The speed limit on 300 East is 25 mph and people speed on that road already.
- 36 • J Baldwin said the contractor will have the responsibility to keep it clean if he gets it dirty.
- 37 • Karen Bindrup asked who was going to enforce that. R Eck said he will enforce it.
- 38 • M Small asked about SWPPP. R Eck said by state law they have to follow SWPPP.
- 39 • D Macfarlane said if the developer isn't following the SWPPP, they will be fined.
- 40 • R Eck said in Providence, he adheres to all requirements.
- 41 • J Russell said if there is a problem with traffic and speed, law enforcement needs to be notified.
- 42 • M Small said it isn't being enforced. Law enforcement is there 3 – 4 times a day, but people still speed,
43 construction trucks are hauling open loads. Adding 33 more homes will increase traffic load on the main
44 300 East road.
- 45 • Erwin Fredrick asked about water. Thirty three homes going in now, 280 coming in later, wonders where
46 all the culinary water will come from.
- 47 • R Eck said the City currently has culinary water rights sitting in non-use status. The Councils and the
48 Mayors have been very diligent in obtaining water rights. The developer will also have to bring water
49 rights. A subdivision came in on the west side of town, the developer was asked to bring secondary water.
50 The City now has a pond and pumping system which waters the park and 12 properties. That is no longer
51 coming out of culinary water supply. Braegger Park is also being watered with 100% irrigation water.
52 Water conservation has to be observed. Irrigation shares will now be used for outside water to save
53 culinary water for indoor use.
- 54 • Mayor said this development is bringing shares and as far as the rest of the mountain, Stan Checketts

1 does have water shares and when he develops that property, he will have to bring the water to support
2 the development.

- 3 • Sharyl Eames, lives on 4th south 100 east, with all construction on south bench many trucks go up and
4 down the street. When the trucks are going slow, she calls the company and thanks them. She feels that
5 encourages the trucks to slow down.
- 6 • Cindy Miller asked if speed bumps could be installed on 300 East.
- 7 • R Eck did a traffic study on 300 east. Average speed is 27 mph from 200 N to 500 N. The study was done
8 for over a month. First week the radar speed sign was operating in stealth mode, which means speed was
9 not flashing. Most people just ignored it. Then for 3 weeks it ran with the speed lit up. The average speed
10 was 27mph. He will put these signs up anywhere in the city where there is a request.
- 11 • Ned Miller said he loves to see law enforcement on that road and encouraged the Council to keep law
12 enforcement there. He felt it might be a good idea to bring secondary water in while the roads are dug up
13 and the trenches are there.
- 14 • Eric Waterson, found out about the subdivision at church. Initially, he was concerned. He grew up playing
15 in those hills. As he has talked with the developers, he feels the City has done an amazing job in bringing
16 this development. He feels the developers have gone above and beyond requirements for water, sewer,
17 ect., and he wants to live in that subdivision.
- 18 • J Drew said it is nice to know that people want to live in Providence.

19 Public hearing closed at 7:05 pm.

20
21 **Business Items:**

22 **Item No. 1. Resolution 028-2015:** The Providence City Council will consider for adoption a resolution approving an
23 Annexation Agreement establishing conditions for future development on property generally located at
24 (approximately 500 North 400 East); and comprised of Parcel No.s 02-004-0013, 02-004-0014, 02-005-0003, 02-
25 004-0015, 02-004-0019.

26 **Motion to consider Resolution 028-2015: R Call, second – J Baldwin**

- 27 • J Baldwin commented that the developer has complied exactly as requested.

28 **Vote: Yea: B Bagley, B Baldwin, R Call, J Drew, J Russell**
29 **Nay: None**
30 **Abstained: None**
31 **Excused: None**
32

33 **Item No. 2. Ordinance No. 2015-018:** The Providence City Council will consider for adoption an ordinance granting
34 a petition for annexation and annexing the property described in the petition located adjacent to the northeast
35 boundary of Providence City (approximately 500 north 400 east); and is comprised of Parcel No.s 02-004-0013, 02-
36 004-0014, 02-005-0003, 02-004-0015, 02-004-0019; containing 32.22 acres.

37 **Motion to adopt Ordinance No. 2015-018: J Russell, second - R Call**

- 38 • J Russell felt this was very well thought out, including the zoning. The Council did not feel any pressure to
39 succumb to the developers wishes. He thanked the City Administration and Public Works Director for
40 thinking ahead and anticipating the needs of the city. He does not recommend this be zoned SFL.
- 41 • B Bagley met with Mr. Skinner and Mr. Macfarland early on and they have done a lot of work to make this
42 work for Providence City. When he first moved to Providence, he was the last house going east on his
43 street. He did not want any development coming in, but development is going to happen, it is our
44 responsibility to be prudent stewards of the water and land. This has been done the right way. It will
45 benefit the City and the citizens.
- 46 • J Baldwin also agreed that negative impact has been mitigated by City staff and the developer has been
47 more than cooperative with the City in bringing in this annexation. As long as development is done
48 correctly and in compliance with the ordinances it will happen.

49 **Vote: Yea: B Bagley, B Baldwin, R Call, J Drew, J Russell**
50 **Nay: None**
51 **Abstained: None**
52 **Excused: None**
53

54 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

1 R Eck:

- 2 • Updated Council on 165 utility bore. Punched through in three days. Water lines are in and they are
- 3 starting on sewer lines.
- 4 • All infrastructure is now in on 10th South and 300 East.
- 5 • High density mineral bond is going in now throughout town.
- 6 • Two inch pressure reducing valve on 100 East and Canyon Road finally failed this afternoon. There will be
- 7 a replacement in the morning. There will be a 3-4 hour water shut-off while that is being fixed.
- 8 • J Drew asked about 300 East/10th South. R Eck said it will be paved next week.

9 S Bankhead:

- 10 • June 30 financial statement before the Council is not the official June 30th statement that comes out after
- 11 the audit. This is a tentative statement.
- 12 • B Bagley asked if fireworks restrictions are being posted.
- 13 • S Bankhead said they are on the website and emailed them to Brent Speth. He is taking a copy to the
- 14 different vendors throughout the city.
- 15 • S Bankhead will contact the newspaper and ask the radio to do a PSA about it.
- 16 • B Bagley asked about the individual that was going to come and address the Council about a notification
- 17 system?
- 18 • S Bankhead said the Smithfield City Recorder is trying to help us find contacts for that.

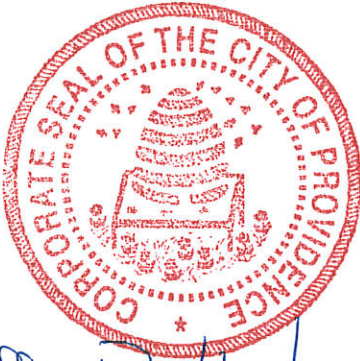

19
20 **Motion to close: J Baldwin, second – R Call**

21 **Vote: Yea: B Bagley, B Baldwin, R Call, J Drew, J Russell**
22 **Nay: None**
23 **Abstained: None**
24 **Excused: None**
25

26 Meeting adjourned at 7:20 pm.

27 Minutes recorded and prepared by C Craven.

28
29 
30
31 Don W. Calderwood, Mayor



Skarlet Bankhead, City Recorder

City Council Meeting

July 21, 2015

Please Sign In

Name

City of Residence

Neil Miller
Erwin & Lamm Frederick
Mimi Baker & Neil Larsen
Bunny Carl
Roy W. Snedden
Cory Jell
Sharon Eames

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